

STATEMENT OF JUSTIFICATION
West Spine Plaza
Special Exception to permit Restaurant, Retail Sales Establishment,
Bank, and Convenience Store with Gas Pumps under the Revised 1993
Zoning Ordinance
MCPI #204-20-3829—20.06 acres

April 7, 2009

I. Introduction

Sarswati, LLC of Reston, Virginia, the Applicant and Owner (hereinafter, the “Applicant”) of Loudoun County Tax Map 101, parcel 41 (MCPI #204-20-3829), which comprises a total of 20.06 acres (the “Property”) of land zoned Commercial-Light Industry (“CLI”) known as the “West Spine Plaza”, administered under the Revised 1993 Loudoun County Zoning Ordinance (“Zoning Ordinance”), is requesting approval to permit the following special exception land uses in accordance with Section 3-904 of the Zoning Ordinance: bank (with three drive through lanes and one escape lane); convenience food store with gas pumps; restaurant (one stand-alone and one accessory within a hotel); and retail sales establishment. The proposed development will include the following permitted land uses: conference center; flex industrial uses; hotel; and office. The Property is located east of the existing Gum Springs Road (“Route 659”)/Route 50 intersection, on the southern side of Route 50. The site will be bisected by the proposed West Spine Road. The Property is surrounded by land zoned CLI to the north, east, and south. The Property abuts land zoned R-16 and R-24 to the west and PD-CC-CC to the south (see location attachment). In summary, for West Spine Plaza, the land use breakdown is as follows:

| Permitted Uses | Special Exception Uses |
|--|---|
| • Conference center | • Bank with 3 drive-through lanes |
| • Flex industrial | • Convenience store with gas pumps |
| • Hotel | • Restaurant |
| • Office | • Retail sales establishment |
| Building Square Footage | |
| • Flex-industrial/office | 15,000/18,000 totals 33,000 square feet |
| • Convenience store with gas pumps | 4,000 square feet |
| • Restaurant | 5,000 square feet |
| • 4-story, 100-room hotel/accessory restaurant | 49,828/3,000 totals 52,828 square feet |
| • Conference center | 11,550 square feet |
| • 4-story office/first floor retail | 47,700/13,300 totals 61,000 square feet |
| • Bank with 3 drive-through lanes | 4,500 square feet |
| Total proposed square footage | 171,878 square feet |

II. Project Summary

The proposed development will combine special exception and permitted land uses to create a signature commercial development that complies with the intentions of the Route 50 Task Force in bringing additional non-residential development to the Route 50 Corridor in the Dulles South area of the County. The focal point of the retail and office center will be the 100 room hotel/restaurant/conference center and 61,000 square foot mixed-use building (first floor retail with three upper floors of office use) abutting a Type 5 buffer with tree save areas fronting onto Route 50. These buildings will announce the arrival of a much needed commercial development in the Route 50 corridor. In addition to the focal point, the proposed development will also include service oriented land uses designed to serve the growing residential population of Dulles South. These uses will include a 33,000 square foot flex-industrial/office building, a 4,000 square foot convenience store with gas pumps, a 5,000 square foot restaurant and a 4,500 square foot

bank. In total, this development proposes 171,878 square feet of commercial development on a 20.06 acre parcel, which equates to a Floor Area Ratio ("FAR") of 0.20. As stated in the Fiscal Impact Analysis, created by S. Patz & Associates, Inc., the proposed uses will be tax positive for the County and will help offset the tax burden of residential development in Dulles South. A letter from S. Patz & Associates, Inc., dated January 7, 2009, provides a survey of land uses in the Route 50 corridor to determine if the West Spine Plaza can support restaurants and a gas station. The results of the survey do indeed show that additional quality restaurants, or restaurants that are not now represented in the area, could be attracted to the West Spine Plaza. Additionally, the survey results indicate that the prospects are good for a new gas station in this growth area of the county.

The Applicant will support the transportation infrastructure improvements that will be required to accommodate this retail and office center, as recommended by Wells + Associates, Inc., in the Traffic Impact Analysis. The phasing of these transportation infrastructure improvements, in addition to the transportation measures that are provided through previously approved developments, will provide additional road capacity to the transportation network. The development of this project will permit the Route 659 realignment to become a reality in the near term without public expenditure.

III. Special Exception Issues for Consideration

The following items are addressed in accordance with section 6-1310 of the Zoning Ordinance:

(A) Whether the proposed special exception is consistent with the Comprehensive Plan.

The Property is designated for Business and Hybrid Retail Center uses in the Revised General Plan ("RGP"). The proposed development conforms to the policies and objectives of the RGP, which states, "Office and Light-Industrial uses requiring markets outside the immediate neighborhood should locate in compact nodes at intersections of major collector and arterial roads in locations designated on the Land Use map." Further, to exceed the 10 percent retail provision of the Business Community, the Applicant has provided ample justification addressing this criteria in the referral response letter, dated April 7, 2009.

The proposed office and retail center also conforms to the goals and objectives of the Route 50 Corridor Task Force, which recommended the addition of coordinated non-residential development along Route 50 to serve the growing residential and tourist population of Dulles South.

The Fiscal Impact Analysis submitted with this application supports the following RGP passage, "The market area and population threshold (which should be large enough for the proposed business use to financially support itself and not depend upon that portion of the population that is already served by existing and proposed competing projects)."

As stated in the RGP, “the County’s CLI commercial zoning district allows for a wide variety of commercial uses, which generate high traffic volumes and which do not promote the coordinated and efficient land use or traffic pattern envisioned by the county for the Route 50 Corridor. Therefore, the County will consider alternative methods for addressing the conformance issue, such as modification of the by-right and special exception uses provided in the district to those more appropriate to achieve the objectives of the Plan.” The Applicant is working with the neighboring property owners to create a truly coordinated and efficient land use plan that addresses the county’s concern regarding the CLI zoning district. This development will aid in transforming the Route 50 Corridor into a true gateway for Loudoun County.

(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.

The Applicant will work with the Loudoun County Department of Fire and Rescue to address any concerns regarding potential fire hazards. Sprinkler systems will be installed per county ordinance requirements.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

The proposed development does not include any proposed uses that may cause a negative noise impact on uses in the immediate area.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

The proposed development does not include any proposed uses that may cause a glare or light impact on uses in the immediate area.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

The Property is bordered on three sides by existing CLI-zoned parcels and on the fourth side by multi-family zoning districts. The proposed retail and office center is compatible with surrounding uses and is in conformance with the policies and objectives of the RGP and the Route 50 Task Force recommendations.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

The proposed retail and office center will include enhanced landscaping, screening and buffering to adequately screen surrounding uses. In particular, the proposed development will include a Type 5 buffer, where necessary, to supplement the tree save area along its Route 50 frontage.

- (G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.**

The site does not contain any topographic, physical, natural, scenic, archaeological or historic features of significant importance; however, the site does contain a wetland that will be integrated into the site's stormwater management system. Another small wetland located on the site will be permitted and mitigated.

- (H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.**

The proposed special exception application does include two tree save areas. Enhanced plantings will also be included within the development and in buffer areas to help offset the loss of existing vegetation. Water quality will be addressed through the provision of a storm water management pond and additional techniques such as extended detention and forebays. The proposed uses that are included in this application will not have a negative impact on air quality.

- (I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.**

The proposed special exception uses at the proposed location will contribute to and promote the welfare and convenience of the public. It is anticipated that the location of the proposed uses will serve as a major future crossroads in the county, and as such, is a great location for the type of commercial development proposed in this special exception application.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

As stated above, the Applicant will support the transportation infrastructure improvements as recommended by Wells + Associates, Inc. in the Traffic Impact Analysis. Phasing of these transportation infrastructure improvements, in addition to the transportation measures that are provided through previously approved developments, will provide a much improved transportation network for this portion of the county.

Pedestrian connections are planned throughout the office and retail center and will result in a pedestrian friendly environment. The Applicant has worked with Staff to address additional pedestrian connections that will assist in transforming the proposed office and retail center into an even more pedestrian friendly environment.

- (K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.**

There are no existing structures on the Property that are proposed to be converted to uses requiring a special exception.

- (L) Whether the proposed special exception will be served adequately by essential public facilities and services.**

The proposed special exception will be served adequately by essential public facilities and services.

- (M) The effect of the proposed special exception on groundwater supply.**

The proposed uses included in the special exception application will not have an adverse impact on groundwater supply.

- (N) Whether the proposed use will affect the structural capacity of the soils.**

The proposed uses included in the special exception application will not have an adverse impact on the structural capacity of the soils.

- (O) Whether the proposed use will negatively impact orderly and safe road development and transportation.**

As stated above, the Applicant will support the transportation infrastructure improvements as recommended by Wells + Associates, Inc. in the Traffic Impact Analysis included with this application. Phasing of these transportation infrastructure improvements, in addition to the transportation measures that are provided through previously approved developments, will provide a much improved transportation network for this portion of the county.

- (P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.**

As stated in the Fiscal Impact Analysis, the proposed development will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the RGP.

- (Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.**

The Property is forested and has not recently been used for agricultural purposes. Agricultural activities on the Property, given its location in a growing suburban community and proximity to existing and proposed residential and commercial uses, would not be economically viable. The proposed development will serve the county in a capacity that addresses future business growth in the Route 50 Corridor.

(R) Whether adequate on and off-site infrastructure is available.

Adequate on and off-site infrastructure is available to serve the proposed development.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

There are no anticipated odors generated by the proposed uses that will negatively impact adjacent uses.

(T) Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Construction traffic will be routed away from existing neighborhoods and school areas to mitigate any potential impacts.

IV. Conclusion

The proposed West Spine Plaza will serve as a 171,878 square foot gateway land use that will promote similar coordinated and efficient development in the Route 50 Corridor. The proposed office and retail center conforms to the policies of the RGP and the recommendations of the Route 50 Task Force.

The proposed office and retail center provides a tax-positive commercial development that will assist in offsetting the residential tax burden. The proposed

development will also serve the residential population of the Dulles South area by providing service oriented uses currently lacking in this portion of the county. The tourism and hospitality industry will also benefit from the proposed hotel and conference center uses.

In addition to the positive economic and social benefits of the proposed development, the Applicant's appropriate contribution towards, and construction of, transportation improvements that will serve the Property will provide for more efficient traffic flow; mitigate the impact of additional traffic on adjoining transportation facilities; and work towards completing the planned goals of the Countywide Transportation Plan.

Location Attachment

